

SUPREME COURT OPINIONS

H. T. Greenleaf vs. Land and Lumber Company. 1. While it is more orderly to proceed under Revisal, 1885, to appoint a receiver for a corporation, such may be done in a court of equity wherein, under the decree, all parties are before the court...

State vs. Wade Clayton. 1. Under Revisal, 1877, the punishment for failure to work the roads is commensurable only in courts of justice of the peace, and the Superior Court has no jurisdiction by appeal...

John L. Gay vs. James B. Mitchell, et al. 1. Where the jury finds upon evidence tending to show that the plaintiffs owned and were in possession of a certain mill and machinery, which was wrongfully seized by the sheriff, and while in his possession was damaged by freezing and rusting of pipes and tubes, and other parts of the machinery, and which could readily have been prevented by ordinary care and attention, an actionable wrong was established...

J. N. Lamb and C. H. White vs. Major Loomis Co. 1. Whether a decree of the court should be considered as a contract, or give effect to each and every part, and bring all the different parts into harmony as far as this can be done by fair and reasonable interpretation...

H. A. Ward vs. Commissioners of Beaufort County. 1. A mandamus lies only to compel the performance of a specific act pointed out by statute, and not to the county commissioners to "provide a sufficient court house, and let it in good repair."

H. T. Greenleaf vs. John A. Bartlett, et al. 1. A tax deed regular upon its face, is "color" of title, and when describing the land with sufficient certainty, does not lose its efficiency as such from the fact that the sheriff failed to bid in the land sold for taxes for the county when no one would pay the tax for "less number of acres than the whole, as required by law, 1881, Ch. 117, Section 25."

A. D. Willis vs. N. Y. Mutual Life Insurance Co. 1. When it appears upon the face of a policy of life insurance, and from the contents was fixed as November 23d, and that the policy was delivered on December 23d of the insurance year begins at the date fixed in the policy, as the day of, or November 23d.

insurance, but which, under its terms and conditions applicable, automatically continued in force for two years and two months, specifies the day for premium as November 23d, and the policy was delivered to the insured on December 23d, following, the time for which the policy will be automatically continued should be computed from the date specified in the policy, and not from the date of its delivery.

The Corporation of Elizabeth City vs. Camillus B. Pasquetank. 1. Statutes are construed to take effect prospectively, unless it is otherwise therein declared expressly or by clear implication.

H. A. Cheson vs. Walker and Myers. 1. The test of whether one is the fellow servant of another is whether, in the employment of a common master, such other person is subject to his orders.

John Olin Hepinstall vs. M. E. Newsome, et al. The advisory jurisdiction of courts of equity does not extend to the mere construction of a will to ascertain the rights thereunder of devisees or legatees.

T. M. Small, et al. vs. Councilmen of Edenton. 1. When there is no evidence of malice or bad faith, the reasonableness of a city ordinance is a question of law for the court.

MORGANTON NEWS MATTERS. Southern's New Schedule Pleases—Entertainment by Musical Department of Graded School—Republican Convention April 18th.

Special to The Observer. Edenton, March 29.—The music department of the Morganton graded school, under the efficient management and supervision of Miss Bezzie Pillow Brown, gave a very creditable entertainment in the auditorium Friday night, a large and representative audience being present.

The new schedule which the Southern inaugurated on the Asheville division to-day is a very convenient one and pleases the traveling public. Trains going west pass here at 12:40, 5:45 and 11:58 p. m., and those headed toward Salisbury are due here at 8:45, 10:30 a. m. and 6:45 in the afternoon.

Good For Everybody. Mr. Norman B. Coulter, a prominent architect, in the Delbert Building, San Francisco, says "I fully endorse all that is said of Bitters. It is good for everybody. It corrects stomach, liver and kidney troubles in a prompt and efficient manner and builds up the system. Electric Bitters is the best spring medicine ever sold over a druggist's counter; as a blood purifier it is unequalled. See all drug stores."

THE WEATHER.

Washington, March 29.—Forecast for Monday and Tuesday: Virginia, fair Monday, colder in south portion; Tuesday, fair, fresh northwest winds. North Carolina, fair Monday, preceded by showers on the coast, colder; Tuesday, fair, fresh northwest winds.

LOCAL OFFICE U. S. WEATHER BUREAU. Charlotte, March 29.—Sunrise 6:14 a. m., sunset 6:2 p. m. TEMPERATURE (in degrees). Highest temperature 81. Lowest temperature 61. Mean temperature 71. Excess for the day 17. Accumulated excess for the month, 219. Accumulated excess for the year, 84. PRECIPITATION (in inches). Total for 24 hours ending 8 p. m. 0.0. Total for the month 0.0. Accumulated deficiency for month, 6.34. Total for the year 14.17. Prevailing wind direction S. W. W. J. BENNETT, Observer.

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Everybody KNOWS HUYLERS. It's the purest and best candy made. We have on hand now a fine, fresh stock.

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4 Blocks From Square. Seven-room Cottage, modern conveniences, lot 40x193, side entrance; good stable. \$3,600. Can arrange terms. This property is especially desirable because close in. Will be sold at once. Brown & Company. "Phone 535. 203 N. Tryon St.

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Water Power For Sale. We offer for sale in Rutherford county, N. C., on Cove Creek, left-hand prong Broad river, water power sufficient to pull ten thousand and spindle mill, with property, including 150 acres of very fine timber land, about seven miles west of Colliery, N. C., on Southern Railway between Marion, N. C., and Statesburg, S. C.

The Southern Railway has many virtues, but in attempting to escape a just, though, perhaps, a technically illegal taxation, and succeeding, places an additional dollar on every taxable poll in old Mecklenburg, she's simply driving nails in her own coffin. Where do the juries come from? THE COMMERCIAL MEN, too, are being antagonized, and pray tell me, Fair Sister, what other class does for you as much as they? There are breakers ahead! THE MUTUAL "BILLY MALONE" wouldn't do such. She pays her toll, yet serves all well. The people all pay her court. She gets their money, thousands of it, but, in due season, turns it back with goodly interest. THE NEW SERIES opens April 1st. Just watch the people as they crowd into it! They're coming now! Just note the procession and learn a lesson, Dear Southern.

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REAL ESTATE FOR SALE. \$4,000—For seven houses and lots, renting for \$480 per year. \$1,500 cash, balance easy. You want to see this if looking for a good investment. Close in and is a fine manufacturing site. \$2,500—Will buy ten houses and lots, income \$520 per year. All houses in good condition and stay rented. Take a look at this property. \$3,000—For seven-room two-story house, all city conveniences; large lot, beautifully shaded, alley on side; close in and a bargain at this price. \$1,650—For nice five-room cottage on Twenty-first street, near Brevard. House has never been occupied and is built of best lumber. \$1,500—For lovely lot near Elizabeth College, on shady side of street; high, nice location and is cheap at above price. J. E. MURPHY & COMP'NY. 48 N. Tryon. "Phone 542."

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APRIL FIRST. New Interest Quarter Begins in our Savings Department. Open your account this month, or, if you are already a depositor, build up your balance. We Pay 4 Per Cent. THE AMERICAN TRUST COMPANY Trust Building. A HANDSOME NEW HOME. Just being completed, 7 rooms, modern improvements \$4,850 with fine corner lot, 116 ft. frontage on macadam; one block from car line. For sale by F. C. ABBOTT & COMPANY. E. L. KEESLER, Sec. and Treas. "Phone 344. 23 S. Tryon St.

F. D. A. LOOK! LOOK! Out for the railway train. 20 to 40 Southern trains pass a strip of land, a certain spot of earth, daily. The spot's for sale— It's in Charlotte—250 by near 600 feet. Par Excellent Mfg. Inquiries answered by F. D. ALEXANDER. He writes Fire Insurance. Piedmont Bldg. "Phone 587-645.

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